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9 JEANETTE GRATTON

FILED

OCT 26 2012

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

10
11 **UNITED STATES DISTRICT COURT**
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 JEANETTE GRATTON,
14 Plaintiff,

15 vs.

16 PREMIERE CREDIT OF NORTH
17 AMERICA, LLC; and DOES 1 through
18 10, inclusive,
19 Defendants.

Case No.:

012-5525

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

(Unlawful Debt Collection Practices)

Demand Does Not Exceed \$10,000

20 **COMPLAINT**

21 ***I. INTRODUCTION***

22 1. This is an action for actual and statutory damages brought by plaintiff
23 Jeanette Gratton (hereinafter "Plaintiff"), an individual consumer, against
24 defendant Premiere Credit of North America, LLC for violations of the law,
25

1 including, but not limited to, violations of the Fair Debt Collection Practices Act,
2 15 U.S.C. § 1692 *et seq.* (hereinafter “FDCPA”) which prohibits debt collectors
3 from engaging in abusive, deceptive, and unfair practices.

4 ***II. JURISDICTION***

5
6 2. Jurisdiction of this court arises under 15 U.S.C. § 1692k(d) and 28 U.S.C. §
7 1337 and § 1331. Venue in this District is proper in that the Defendant transacts
8 business here and the conduct complained of occurred here.

9 ***III. PARTIES***

10
11 3. Plaintiff, Jeanette Gratton is a consumer, a natural person allegedly obligated to
12 pay any debt, residing in Contra Costa County, in the state of CA.

13 4. Defendant, Premiere Credit of North America, LLC is a foreign corporation
14 engaged in the business of collecting debt in this state with its principal place of
15 business located in the state of Indiana. The principal purpose of Defendant is the
16 collection of debts in this state and Defendant regularly attempts to collect debts
17 alleged to be due another.
18

19 5. Defendant is engaged in the collection of debts from consumers using the mail
20 and telephone. Defendant regularly attempts to collect consumer debts alleged to
21 be due to another. Defendant is a “debt collector” as defined by the FDCPA, 15
22 U.S.C. § 1692a(6).
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IV. FACTUAL ALLEGATIONS

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2 6. Upon information and belief, within one year prior to the filing of this
3 complaint, Defendant called Plaintiff; seeking and demanding payment for an
4 alleged consumer debt owed under an account number.

5
6 7. The debt that Defendant is attempting to collect on is an alleged obligation of a
7 consumer to pay money arising out of a transaction in which the money, property,
8 insurance or services which are the subject of the transaction are primarily for
9 personal, family, or household purposes, whether or not such obligation has been
10 reduced to judgment.
11

12 8. Upon information and belief, Defendant began contacting Plaintiff and placing
13 collection calls to Plaintiff sometime prior to September 19, 2012.

14
15 9. Upon information and belief, within one year prior to the filing of this
16 complaint, Defendant lied to and/or made misleading statements to Plaintiff,
17 threatening it would garnish her itself, when it cannot do so.

18
19 10. Upon information and belief, within one year prior to the filing of this
20 complaint, Defendant used offensive and verbally abusive language in
21 communication(s) with Plaintiff, in violation of the FDCPA.

22 11. Defendant, during communications with Plaintiff, within one year prior to the
23 filing of this complaint, did not state that Defendant was a debt collector,
24
25

1 attempting to collect on a debt, and that any information obtained would be used
2 for that purpose.

3 12. As a result of the acts alleged above, Plaintiff suffered emotional distress
4 resulting in her feeling stressed, amongst other negative emotions.

5 13. Defendant's illegal abusive collection communications as more fully described
6 above were the direct and proximate cause of severe emotional distress on the part
7 of Plaintiff.
8

9
10 ***V. FIRST CLAIM FOR RELIEF***

11 14. Plaintiff repeats and realleges and incorporates by reference to the foregoing
12 paragraphs.

13 15. Defendant violated the FDCPA. Defendant's violations include, but are not
14 limited to, the following:
15

16 (a) Defendant violated §1692f of the FDCPA by using unfair or
17 unconscionable means in connection with the collection of an
18 alleged debt; and
19

20 (b) Defendant violated §1692e(10) of the FDCPA by using
21 false, deceptive, or misleading representation or means in
22 connection with the collection of Plaintiff's alleged debt; and
23

24 (c) Defendant violated §1692e(2)(B) of the FDCPA by falsely
25

1 representing the services rendered or compensation which may be
2 lawfully received by the Defendant for the collection of the alleged
3 debt; and

4 (d) Defendant violated §1692e(5) of the FDCPA by threatening to
5 take action that it did not intend to take; and
6

7 (e) Defendant violated §1692e(11) of the FDCPA by failing to
8 disclose in the oral communications with Plaintiff that the
9 communications were from a debt collector, and that the debt
10 collector was attempting to collect a debt, and that any information
11 obtained would be used for that purpose, when said
12 communications were not formal pleadings; and
13

14 (f) Defendant violated §1692d(2) of the FDCPA by using language
15 the natural consequence of which was to abuse the hearer or
16 reader.
17

18 16. Defendant's acts as described above were done intentionally with the purpose
19 of coercing Plaintiff to pay the alleged debt.
20

21 17. As a result of the foregoing violations of the FDCPA, Defendant is liable to the
22 plaintiff Jeanette Gratton for actual damages, statutory damages, and costs and
23 attorney fees.
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VI. SECOND CLAIM FOR RELIEF

18. Plaintiff repeats and realleges and incorporates by reference the foregoing paragraphs.

19. Defendant violated the RFDCPA. Defendant's violations include, but are not limited to the following:

(a) Defendant violated §1788.17 of the RFDCPA by being a debt collector collecting or attempting to collect a consumer debt that is not compliant with the provisions of Sections 1692b to 1692j of the FDCPA, the references to federal codes in this section referring to those codes as they read as of January 1, 2001.

20. Defendant's acts as described above were done intentionally with the purpose of coercing Plaintiff to pay the alleged debt.

21. As a result of the foregoing violations of the RFDCPA, Defendant is liable to the plaintiff Jeanette Gratton for declaratory judgment that Defendant's conduct violated the RFDCPA, actual damages, statutory damages, and costs and attorney fees.

WHEREFORE, Plaintiff respectfully requests that judgment be entered against defendant Premiere Credit of North America, LLC for the following:

A. Actual damages.

1 B. Statutory damages pursuant to 15 U.S.C. § 1692k.

2 C. Statutory damages pursuant to Cal. Civ. Code § 1788.30.

3 D. Costs and reasonable attorney fees pursuant to 15 U.S.C. § 1692k and
4 Cal. Civ. Code § 1788.30.

5 E. For such other and further relief as the Court may deem just and proper.
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9 RESPECTFULLY SUBMITTED,

10 DATED: October 22, 2012

PRICE LAW GROUP APC

11
12 By: 

13 G. Thomas Martin, III
14 Attorney for Plaintiff

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16 **DEMAND FOR JURY TRIAL**

17 PLEASE TAKE NOTICE that Plaintiff, JEANETTE GRATTON, demands
18 trial by jury in this action.
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